

## **REMARKS**

### **A. Status of the Claims**

Claims 1-11, 31-41 and 64-91 were examined. Claims 1 and 31 have been amended. No claims have been canceled.

### **B. Examiner Interview**

On October 19, 2006, Applicant's representative, Mark Garrett, spoke with Examiner Erezo about the Office's Decision on Applicant's Pre-Appeal Brief Request for Review. The Office's interpretation of cable 10 from the Ainsle reference as a suture was discussed. No agreement on the patentability of the rejected claims was reached.

### **C. The Rejected Claims Are Patentable over Ainsle**

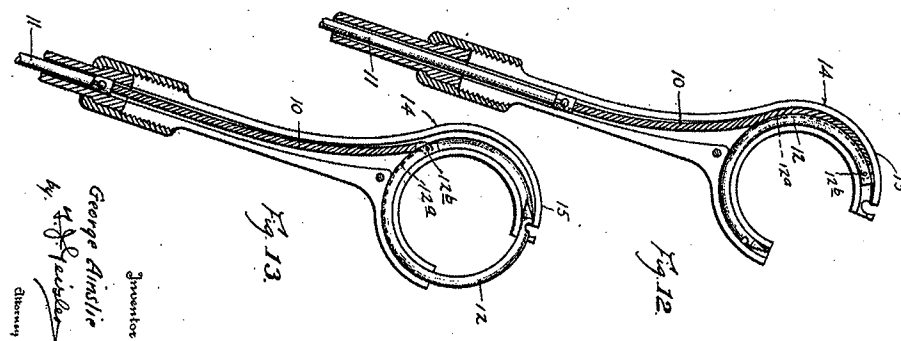
Claims 1-6, 31-36 and 64-75 stand rejected under section 102(b) over Ainsle (US 1,822,330). The Office has read "flexible cable 10" of Ainsle on the "length of suture" recited in independent claims 1, 31, and 64. To distinguish Ainsle, Applicant has amended independent claim 1 to recite, in relevant part:

the length of suture being threaded through the lumen such that the needle will be advanced out of the first needle guide channel by pulling on a portion of the length of suture that is unsurrounded and positioned outside of the body

The underlined language has been added. Independent claim 31 has been amended to include similar language. Independent claim 64 has been amended to specify that the claimed length of suture includes a portion that is unsurrounded and positioned outside of the body.

There is no portion of flexible cable 10 of the Ainsle device that is unsurrounded and positioned outside of "needle casing 14" of Ainsle (which the Office construes as the claimed body). The portion of flexible cable 10 outside of needle casing 14 is surrounded by the balance of Ainsle's suturing instrument. This is clear from Figs. 12 and 13 of Ainsle, reproduced below:





Accordingly, the rejected claims are patentable over Ainslie, and the Office is requested to withdrawn the rejection.

#### D. Conclusion

Applicant respectfully submit that pending claims 1-11, 31-41 and 64-91 are in condition for allowance. The Office is invited to contact the undersigned attorney at (512) 536-3031 with any questions.

Respectfully submitted,

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